

# **BOARD OF COAL MINING EXAMINERS**

## **SUMMARY OF MEETING**

**AUGUST 10, 2010**

**The following is a summary of the August 10, 2010 Meeting:**

- I. Meeting called to order at 9:00 AM by Frank Linkous, Chairman. Members present were Frank Linkous, Joseph Buchanan, Arvil McConnell, Gerald Kendrick and Ricky O'Quinn. Also present were Mary Gibson, Regulatory Boards Administrator and Sharon Pigeon, Assistant Attorney General.**
- II. Opening statement delivered by Frank Linkous, Chairman.**
- III. Motion made and seconded to accept August 10, 2010, meeting agenda and approve July 19, 2010, meeting summary. All members were in favor to approve.**
- IV. Review of cases of Virginia certificate holders  
Jimmy Tackett  
Mr. Tackett's attorney contacted DMME to request a continuance to the September 7, 2010, meeting to appear before the Board to show cause why his certifications should not be revoked. The Board granted the request.**
- V. Review of Virginia Substance Abuse Cases (Closed Session)**

**Of the cases that resulted in hearings, evidence was taken by the Board in closed session, pursuant to Virginia Code §§ 2.2-3711(A)(4) and 45.1-11.35(E). In the closed session, the Board worked out agreements, allowing individuals to return to work conditionally, and took other disciplinary actions including revocation of all certifications held by miners.**

**Mary Gibson requested the Board's direction on a request from one docketed case who requested a second rescheduling to the September 7, 2010, Board meeting due to his attempt of obtaining legal counsel. The Board granted the request, and his certifications will remain in suspension rather than go into revocation.**
- VI. Open Agenda**

**Regarding the John K. Beasley, First Class Mine Foreman, smoking complaint and BCME case, Frank Linkous informed the Board that the Buchanan County Commonwealth Attorney on August 9, 2010, traveled underground at the Buchanan No. 1 mine to the sites of the alleged smoking**

complaint and investigation and met with the management of the mine and DM Inspector. At the meeting the Commonwealth Attorney indicated that he plans to offer a plea agreement to Mr. Beasley from a felony to a misdemeanor charge subject to the Board's concurrence. The Board agreed that if Mr. Beasley pleads guilty that his certifications will be permanently revoked due to the serious nature of the methane liberations of the mine and the position held by Mr. Beasley at the mine.

Frank Linkous informed the Board that Dr. Mary McMasters will participate in a presentation at the Bluefield Coal Symposium in September. Frank will follow her presentation with an update on the work of our Board and the Virginia Coal Mine Safety Law on substance abuse.

Mary Gibson discussed a Buchanan County Court case of a miner working for 120 days on a revoked general miner certification. A plea agreement may be offered by the Commonwealth Attorney, and the DMME position will be that it be structured consistent with other similar cases.

#### **VII. Next Meeting**

Next meeting will be September 7, 2010.

#### **VIII. Adjournment**

Meeting adjourned at 11:15 AM.